

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

EDMUND J. MANSOR and)
ROBERTA M. MANSOR,)
Plaintiffs,)
v.) Civil Action No. 1:12-cv-10544-JGD
JPMORGAN CHASE BANK, N.A.,)
Defendant.)

**ORDER APPROVING PLAINTIFFS' UNOPPOSED MOTION
FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT**

The Court has reviewed Plaintiffs' Unopposed Motion for Preliminary Approval of Class Action Settlement and supporting Memorandum, the Settlement Agreement, and the record in this case.

The Court finds that the proposed Settlement, as set forth in the Parties' Settlement Agreement, appears to be fair, reasonable, adequate, and in the best interests of the Class. The Court further finds that the Settlement was entered into at arm's-length by highly experienced counsel following mediation with the Honorable Margaret R. Hinkle (Ret.). The Court therefore preliminarily approves the proposed Settlement and enters this Preliminary Order thereto.

Class Certification

The Court conditionally certifies, pursuant to Fed. R. Civ. P. 23(a) and 23(b)(3), a Settlement Class defined as:

All persons who purchased or otherwise acquired Millennium CDs or whose funds remained in the Millennium accounts at Chase from September 25, 2008 through March 9, 2009, which includes persons whose CDs purportedly rolled over or whose funds were deposited in or remained in the Millennium accounts at Chase.

Excluded from this class are Defendant, its affiliates, subsidiaries, agents, board members, directors, officers, and/or employees.

For purposes of the foregoing Class definition, "persons" includes all natural persons and entities.

The Court finds that the certification of the Class for settlement purposes is warranted, and that settlement of this action on a class basis is superior to other means of resolving this matter.

The Court appoints Plaintiffs Edmund J. Mansor and Robert M. Mansor as Class Representatives of the Settlement Class.

The Court appoints the law firm of Kozyak Tropin Throckmorton, LLP; attorneys Harley S. Tropin and Tal J. Lifshitz; and attorney Keith L. Miller as Class Counsel to the Settlement Class.

The certification of the Class pursuant to this Order is for Settlement purposes only and is conditioned upon the Court granting final approval of this settlement after notice to the Class, consideration of objections, if any, and consideration of all other matters the Court deems relevant. In the event the Court denies final approval of this Settlement, the certification of the Class pursuant to this Order is withdrawn, without prejudice to further motion by the parties pursuant to Fed. R. Civ. P. 23.

Notice to Potential Class Members

The Court approves the form and content of the proposed Class Notice (attached hereto as Exhibit A) and approves the Parties' proposal to distribute the Class Notice as set forth in the Settlement Agreement. The Court finds that the Parties' proposal constitutes the best notice practicable under the circumstances, and complies fully with the notice requirements of due process and Fed. R. Civ. P. 23.

The Court approves the Parties' proposed schedule for dissemination of the Class Notice, requesting exclusion from the Settlement Class or objecting to the Settlement, submitting papers in connection with Final Approval, and the Final Approval Hearing, as follows:

- 15 days after entry of Preliminary Order: deadline for Class Counsel's request for attorneys' fees and expenses and Class Representatives' enhancement award
- 30 days after entry of Preliminary Order: deadline for mailing Class Notice
- 60 days after the date of Class Notice: deadline for opt-outs and objections
- 15 days after Opt-out Deadline: deadline for Receiver to file a declaration with the Court identifying the list of opt-outs, if any
- 10 days before Fairness Hearing: deadline for affidavit regarding mailing
- 10 days before Fairness Hearing: deadline for Defendant to notify Court if it intends to withdraw from the Settlement Agreement due to opt-outs exceeding threshold set forth in Section V.C. of the Settlement Agreement
- 7 days before Fairness Hearing: deadline for the Mansors to file motion for final approval
- As soon as may be heard: Fairness Hearing

Settlement Administration

The Court approves Richard B. Roper of Thompson & Knight LLP, 1722 Routh Street, Suite 1500, Dallas, Texas 75201 (the "Receiver") as settlement administrator, with the responsibilities set forth in the Settlement Agreement.

As described in the Notice to the Class, any member may opt out of the Class by mailing a completed Request for Exclusion to the Receiver within 60 days after the date of the Notice to the Class. Persons that request exclusion from the Class shall not be entitled to the benefits of the Settlement, nor be bound by any judgment.

Any potential member of the Class that does not properly and timely mail a Request for Exclusion shall be included in the Class and shall be bound by all the terms and provisions of the Settlement Agreement, whether or not such class member shall have objected to the Settlement.

Fairness Hearing

A Fairness Hearing is hereby scheduled to be held on **November 13, 2018 @ 2:00pm, 2018**, before the undersigned at John Joseph Moakley U.S. Courthouse, 1 Courthouse Way, Boston, Massachusetts 02210, 5th Floor, Courtroom #15 to consider the fairness, reasonableness, and adequacy of the Settlement Agreement.

Any member of the Class that has not filed a timely Request for Exclusion in the manner set forth above may appear at the Fairness Hearing in person or by counsel and may be heard, to the extent allowed by the Court, either in support of or in opposition to the fairness, reasonableness and adequacy of the Settlement Agreement; provided, however, that no person shall be heard in opposition to the Settlement Agreement, and no papers or briefs submitted by or on behalf of any such person shall be accepted or considered by the Court, unless, in accordance with the deadlines above, such person: (a) filed with the Clerk of the Court a notice of such person's intention to appear as well as a statement that indicates the basis for such person's opposition to the Settlement Agreement, and any documentation in support of such opposition; and (b) serves copies of such notice, statement and documentation upon Class Counsel and Defendant's Counsel.

The date and time of the Fairness Hearing shall be set forth in the Notice but shall be subject to adjournment by the Court without further notice to the members of the Class other than which may be posted at the Court, on the Court's website and on Class Counsel's website.

IT IS SO ORDERED.

Judith G. Dein
Hon. Judith G. Dein
United States Magistrate Judge

Dated: 6/22, 2018